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Letter dated 7 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Saint Vincent and the Grenadines submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-42017 (E) 200602

Annex

Note verbale dated 3 June 2002 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of Saint Vincent and the Grenadines to the United Nations presents her compliments to the Chairman of the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) and has the honour to forward herewith the original report from the Government of Saint Vincent and the Grenadines pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure), together with copies of the legislation referred to therein.*

* The annexes are on file with the Secretariat and are available for consultation.

Enclosure

Report submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

1. In the past 12 months the Saint Vincent and the Grenadines Government has piloted several Bills in Parliament and enacted legislation to combat specific terrorist acts like acts against the Safety of Civil Aviation and Airports serving International Civil Aviation, the Safety of Maritime Navigation and Fixed Platforms located on the Continental Shelf, acts of Hostage Taking, and Crimes against Internationally Protected Persons. (*See Appendix I*).

2. In the wake of the September 11 terrorist attacks in the U.S.A. last year and calls from the U.N. Security Council, Saint Vincent and the Grenadines promptly signed the International Convention for the Suppression of the Financing of Terrorism, 1999 and followed it up with our ratification in March 2002. The Convention entered into force for Saint Vincent and the Grenadines on 27 April 2002.

3. To further ensure that all measures have been put in place in respect of terrorist activities, the Cabinet of Saint Vincent and the Grenadines, in March 2002 approved the establishment of a committee to examine the implications of resolutions 1373 (2001) and 1368 (2001) and to carry out a programme of implementation as far as it is practicable. The Committee is made up of the following persons:

- Representative from the Office of the Prime Minister
- Representative from the Attorney General's Office
- Representative of the Director General/Finance and Planning
- Representative from the Offshore Finance Authority
- Representative from the Ministry of Foreign Affairs

4. The office of the Attorney General recently drafted a Bill on terrorism - the United Nations (Anti-Terrorism Measures) Act, 2002 to specifically implement the provisions of the said Convention and provide for certain measures to combat terrorism as mandated by Security Council Resolutions.

5. This Act was passed in Parliament on Tuesday, 28 May 2002. It not only makes the provision or collection of funds for terrorist acts an offence in Saint Vincent and the Grenadines (as required by the 1999 Convention) but other related acts like the provision of resources and services for the benefit of terrorists, dealing with the property of terrorists, and supporting terrorists in other ways like assisting in the recruitment of persons or the supply of weapons are made offences here following the mandate in Security Council resolution 1373 (2001).

6. The prohibitions against the provision of funds etc., under this Act apply equally to entities owned or controlled by any terrorist or groups of persons acting with a common purpose to commit terrorist acts. If the activities of any group or organization invoives the commission of a terrorist act dealings with such organizations would be

prohibited under this Act and any money or property owned by such organization or group of persons would also be "terrorist property" to which the relevant provisions of this Act on seizure, forfeiture, and freezing (though restraint orders) would apply.

7. As in other Acts for the implementation of Conventions against specific acts of terrorism, this Act contains provisions to confer jurisdiction on our courts on a number of grounds including the mere 'presence' of the alleged offender on our territory. There are also provisions on notifications to other States concerned, extradition, mutual legal assistance, etc. To meet our obligations under the 1999 Convention and Security Council resolution 1373 (2001) provisions have been included on forfeiture of terrorist property upon conviction for an offence under the Act; for the seizure, detention and forfeiture of terrorist cash; and for the freezing of funds and financial assets of terrorists and terrorist groups and entities through Restraint Orders on the lines of the corresponding provisions in our recent Proceeds of Crime and Money Laundering (Prevention) Act.

8. As a result of the Financial Action Task Force (FATF) Special Meeting on the Financing of Terrorism held in Washington, D.C., on 29 and 30 October 2001, the FATF expanded its mission beyond money laundering and agreed to a set of Special Recommendations on Terrorist Financing and also agreed to a Comprehensive Plan of Action. The Special Recommendations commit FATF members to undertake the following action, before June 2002:

- Take immediate steps to ratify and implement the relevant United Nations instruments;
- Criminalise the financing of terrorism, terrorist acts and terrorist organisations;
- Freeze and confiscate terrorist assets;
- Report suspicious transactions linked to terrorism;

As a part of this Plan of Action a Self-Assessment of all FATF members against the Special Recommendations was proposed.

The Caribbean Financial Action Task Force (CFATF) is also taking part in this self-assessment exercise and the Self-Assessment Questionnaire was forwarded to all CFATF members.

Saint Vincent and the Grenadines completed its questionnaire for submission to FATF by 1 May 2002.

9. Saint Vincent and the Grenadines has specific provisions that permit competent authorities to provide mutual legal assistance to other countries in connection with investigations, inquiries and proceedings relating to the financing of terrorism, of terrorist acts and terrorist organizations. The Financial Intelligence Unit Act, 2001 makes provision for a national centralized unit within Saint Vincent and the Grenadines to be responsible for the collection, analysis, and dissemination of suspicious transaction information to competent authorities. It gives the Financial Intelligence Unit the power to provide

to any foreign Financial Intelligence Unit any information relating to a suspected offence or a suspicious transaction report.

The Financial Intelligence Unit is also the body within Saint Vincent and the Grenadines with responsibility for receiving and exchanging information with Financial Intelligence Units outside of Saint Vincent and the Grenadines.

10. Our jurisdiction has specific measures in place that permit competent authorities to deny 'safe haven' for those individuals involved in the financing of terrorism, of terrorist acts or of terrorist organisations.

11. The new anti-money laundering laws, which includes the Proceeds of Crime and Money Laundering (Prevention) Act 2001 and the Proceeds of Crime Money Laundering Regulations create a framework of enhanced due diligence by all financial institutions and identified relevant businesses. These laws require such institutions to know their clients or the beneficial owners of accounts. Such transparency is crucial in the fight against terrorist financing.

12. The new Exchange of Information Act 2002 is also a crucial tool in fighting terrorism as it allows for the sharing of financial information through yet another channel, that is, regulators to regulators. Such sharing of information is particularly crucial to the fighting of international terrorism.

13. The National Anti-Money Laundering Committee (NAMLC) established in December 2001 has been proactive in sensitizing the relevant financial institutions and business under the new anti-money laundering legislative regime. A two day seminar was held on May 23-24, hosted by the NAMLC in association with the Trinidad based Caribbean Anti Money Laundering Programme (CALP).

- Among the presentations was one that specifically addressed terrorist financing and the duty of Saint Vincent and the Grenadines to implement the UN Convention on Terrorism.
- There were 100 attendees on the first day, representing over 60 financial institutions, and 88 on the second.
- Please see report on the workshop at www.stvincentoffshore.com.

APPENDIX: REPORT SUBMITTED PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF 28 SEPTEMBER 2001

1. Exchange of Information Act, 2002 (disk)

2. (a) Financial Intelligence Unit Act, 2001
38 of 2001
Assented: 18th December, 2001

(b) Financial Intelligence Unit (Amendment) Act, 2002
24 of 2002

(c) Financial Intelligence Unit Act (Commencement) Notice, 2001
26 of 2001

3. (a) International Banks (Amendment) (No. 2) Act, 2000
16 of 2000
Assented: 17th October 2000

(b) International Banks Act, 1996
19/1996 (disk and hard copy)
Assented: 7th October, 1996

(c) International Banks (Amendment) Act, 2002

4. Maritime Security Act, 2002
Assented: 4th February, 2002
5 of 2002

5. (a) Proceeds of Crime and Money Laundering (Prevention) Act
39/2001
Assented: 18th December, 2001

(b) Proceeds of Crime and Money Laundering (Prevention) Act (Commencement) Notice, 2001
25 of 2001

(c) Proceeds of Crime (Money Laundering) Regulations, 2002
7 of 2002

6. Protection of Aircraft and Airports Act, 2002
Assented: 25th January, 2002
2 of 2002